

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2565 of 1997

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For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No

MOHANBHAI S VASVA

Versus

GOVERNMENT LABOUR OFFICER

Appearance:

MR PH PATHAK for Petitioners
MR DA BAMBHANIA, learned Addl.G.P.
for Respondents.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 28/08/97

ORAL JUDGEMENT

The only grievance raised in this petition is that the Award dated 10.7.95 passed in favour of the petitioners by the Labour Court has not been implemented. Notice was, therefore, issued on 1.4.97 and the same was made returnable on 11.4.97. On behalf of the respondent time was sought on 29.4.97 and, thereafter, on 6.8.97 the

learned Addl. G.P. sought time for implementing the Award dated 10.7.95. However, the learned Addl.G.P. today says that the Government has now decided to challenge this award dated 10.7.95 and, therefore, the same has not been implemented. So far no Special Civil Application has been filed by the Government but according to Mr. Bambhania, the learned Addl.G.P., the Special Civil Application against the impugned Award dated 10.7.95 is in the process of being filed.

Rule. Mr. Bambhania, learned Addl.G.P. waives service of the Rule on behalf of the respondent. In the facts and circumstances of this case, this petition is taken up for final hearing right today.

No explanation worth the name has been given as to why the Award dated 10.7.95 passed by the Labour Court, Bharuch in Reference (LCB) No.40/90 (Reference (LCB) No.886/84 - old) has not been implemented qua the workmen mentioned in the Award itself. Once the Award had been passed by a competent Court, under the law the respondents were under an obligation and it was their public duty to implement the Award unless the same was stayed by any Court. As on today, the Award had not been challenged by the respondents and they are under an obligation to implement the same. It is clearly established that the respondents have been sitting tight over this Award for a period more than two years while the workmen with regard to whom the Award had been passed are still high and dry holding the Award in their favour and such an apathy towards Court's orders by the respondents, who are responsible Government Officers, cannot be appreciated nor can be countenanced. Accordingly this Special Civil Application is allowed. The respondents are directed to implement the Award dated 10.7.95 forthwith and issue appropriate orders in terms of the Award with regard to the concerned workmen immediately but in no case later than 5.9.97. Rule is made absolute in the terms as aforesaid. No order as to costs.